

## CHAPTER 212.

SALE OF ABANDONED RIVER CHANNELS, SAND BARS OR ISLANDS.  
BOUNDARY COMMISSION.

H. F. 177.

AN ACT to repeal chapter one hundred and eighty-five (185) of the acts of the Thirtieth General Assembly and enact a substitute therefor, relating to the survey, appraisement and sale of abandoned river channels of the Mississippi and Missouri rivers and all navigable streams within the state, and all lands within such abandoned river channels, and all islands or bars situated in such navigable waters and authorizing the appointment of a commission to ascertain and establish the boundary lines between the state of Iowa and adjoining states.

*Be it enacted by the General Assembly of the State of Iowa:*

**Repealed.** That chapter one hundred and eighty-five (185) of the acts of the Thirtieth General Assembly be and the same is hereby repealed and the following enacted in lieu thereof:

**SECTION 1. Sale authorized.** That all land between high water mark and the center of the former channel of any navigable stream, where such channel has been abandoned, so that it is no longer capable of use, and is not likely again to be used, for the purposes of navigation, and all land within such abandoned river channels, and all bars or islands in the channels of navigable streams not heretofore surveyed or platted by the United States or the state of Iowa, and all within the jurisdiction of the state of Iowa shall be sold and disposed of in the manner hereinafter provided.

**SEC. 2. Written applications—by whom made.** It shall be the duty of the county auditor to file written application with the secretary of state, asking that certain land located within the county be surveyed, appraised and sold, whenever he is satisfied that such land is of the character contemplated by section one (1) of this act. If the county auditor fails or neglects to make such application, then any person desiring to purchase such land may file a written application with the secretary of state, asking that the said land be surveyed, appraised and sold. The said application whether made by the county auditor or by a person desiring to purchase the land, shall contain an accurate description thereof, stating whether the land is abandoned river channel, or land within such abandoned river channel, or an island or a sand bar in a navigable stream, and giving the number of the township and range in which it is located, and the section numbers if possible, and also the estimated acreage

**SEC. 3. Survey.** Upon receiving such application, it shall be the duty of the secretary of state to order a complete survey of such land to be made by the county surveyor of the county wherein the land is situated, and in case of the refusal or inability of such county surveyor to make such survey then the secretary of state shall appoint some other competent surveyor to make such survey. When such survey is made a full report thereof, with field notes, shall be filed with the clerk of the state land office, which report and field notes shall constitute the official survey of such land.

**SEC. 4. Appraisement.** Upon the filing of such report, with the accompanying field notes, the secretary of state shall thereupon appoint a commission of three disinterested freeholders of the county wherein the land is situated, to view the land and make appraisement of the value thereof, which appraisement shall be returned and filed with the clerk of the state land office in the office of the secretary of state. The secretary of state, if he deems it necessary, may either go in person or send the clerk of the state land office into the county to make proper selection of the said commissioners, and the necessary expenses of such trip shall be paid in the manner hereinafter provided.

**SEC. 5. Fees.** The surveyor making such survey shall be entitled to receive the sum of five dollars per day for his services as such surveyor and such additional amount as may be agreed upon and necessary for the services of chainmen and other attendants and other necessary expenses, the commissioners, for their services in making such appraisement shall each be entitled to receive five dollars per day, for the actual time employed.

**SEC. 6. Sale—how effected—rights of bona fide occupants.** Such lands shall be sold in the following manner: Any person who has in fact lived upon any such land and occupied the same, as a home, continuously for a period of three or more years immediately prior to the time of the appraisement thereof, and such occupancy has been in good faith for the purpose of procuring title thereto whenever by law such title could be vested in him by purchase from the proper authority, or any person who has acquired possession of such land by inheritance, or by purchase made in good faith from a former occupant, or occupants, whose occupancy dates back over a period of three years prior to the date of appraisement of the land, shall have first right to purchase such land at the appraised value; provided such bona fide occupant shall file his application for the purchase thereof at the appraised value with the secretary of state within sixty (60) days after the day the appraisement is made, and shall accompany such application with affidavits showing proof of such bona fide occupancy. If no application has been filed by such bona fide occupant within the sixty (60) day period above provided, then the secretary of state shall advertise the sale of such land once each week for four consecutive weeks in two newspapers of general circulation published in the county wherein the land is situated, and proof of publication shall be filed with the secretary of state. The sale shall be made upon written bids addressed to the secretary of state and the advertisements shall fix the time when such bids will be received and opened. All bids shall be opened by the secretary of state or by the clerk of the state land office at the time fixed, and the land thereupon may be sold to the highest bidder and at not less than the appraised value.

**SEC. 7. Lease authorized—lands re-advertised—sale.** If no application is filed for the purchase of the land within the sixty (60) day period by a bona fide occupant, and if no bids are received for the purchase thereof, on or before the date of the sale as advertised, then the secretary of state is authorized, to lease the land for a period of from one to five years, upon as favorable terms as he can obtain. At the expiration of such lease he shall re-advertise the land for sale in the manner provided in section six (6) hereof. If no bids for the purchase of the land are received on the date of the second advertised sale, then the secretary of state shall submit the matter to the executive council, and they may either order the land re-appraised in the manner provided in section four (4) hereof, and then advertised and sold in the manner provided in section six (6) hereof, or if they deem it advisable, they may authorize the secretary of state to sell the land for less than the appraised value. In such event the secretary of state shall re-advertise the land for sale in the manner provided in section six (6) hereof, and such advertisement shall also state that the land will be sold to the highest bidder without restrictions as to the appraised value.

**SEC. 8. Deed or patent.** When, upon full compliance with the conditions of this act, any person shall become entitled to a deed or patent for any land, a deed or patent shall thereupon be executed and delivered to such person by the governor, on behalf of the state, duly attested with the seal of the state attached thereto, which deed shall, in addition to the usual formalities, also recite the name of the party making application to have the land surveyed, appraised and sold, the date and the amount of the appraisement, the name of the party making final payment and entitled to a deed therefor, whether as bona fide occupant or as highest bidder, and also that such deed

is given for the purpose of conveying such title and interest in the land as the state may at the time own and possess, and has the right to convey. A record of such conveyance shall be made and kept by the clerk of the state land office of the secretary of state.

**SEC. 9. Previous survey.** Whenever any such land shall be found to have been previously surveyed under and by virtue of any order of a court of record, and the record of such survey has been duly made and preserved, then and in that event, in the discretion of the secretary of state, a duly certified transcript of such record, together with the field notes accompanying the same, if obtainable, may be filed with the clerk of the state land office in the office of secretary of state, and when so filed shall obviate the necessity for any further survey of such land except when such survey becomes necessary for the purpose of execution of conveyance thereof, and the record of such transcript, when filed, shall constitute the official survey of such land.

**SEC. 10. Boundary commission.** If in any proceeding contemplated by the provisions of this act, it shall become necessary to determine the boundary line between the state of Iowa and either of the states adjoining, the matter shall then be at once referred to the executive council, who shall thereupon proceed to confer with the proper authority of such adjoining state, and if the co-operation of the proper authority of such adjoining state, shall be obtained, then the executive council shall appoint a commission of three disinterested, competent persons, who shall, in conjunction with the parties acting for such adjoining state, have authority to ascertain and locate the true boundary line between the state of Iowa and such adjoining state, so far as the particular land under consideration at the time, is concerned. The report of the commissioners with a statement of their findings shall be submitted to the executive council, who shall file the same with the clerk of the state land office in the office of the secretary of state. The line so ascertained and located shall constitute the true and permanent boundary line between the state of Iowa and such other state to the extent such line shall be so ascertainable and located.

**SEC. 11. Commission—how constituted—compensation.** The members of the commission shall be selected with reference to their fitness for the duties required and at least one of them shall be a competent surveyor and civil engineer. They shall receive for their services such amount as the executive council may deem reasonable, to be certified by the executive council to the auditor of state, who shall draw his warrant for the amount, and the same shall be paid out of the general fund.

**SEC. 12. Purchase money refunded—when.** If the grantee of the state, or his successors, administrators, or assigns, shall be deprived of the land conveyed by the state under this act by the final decree of a court of record for the reason that the conveyance by the state passed no title whatever to the land therein described, because title thereto had previously for any reason been vested in others, then the money so paid the state for the said land, shall be refunded by the state to the person or persons entitled thereto, provided the said grantee, or his successors, administrators or assigns, shall file a certified copy of the transcript of the said final decree with the executive council within one year from the date of the issuance of such decree, and shall also file satisfactory proof with the executive council that the action over the title to the land was commenced within ten (10) years from the date of the issuance of patent or deed by the state. The amount of money to be refunded under the provisions of this section shall be certified by the executive council to the auditor of state, who shall draw his warrant therefor, and the same shall be paid out of the general fund.

**SEC. 13. Sales and leases for cash.** All sales and leases of land under the provisions of this act shall be for cash. All money received for such

sales and leases, shall be paid into the state treasury by the secretary of state.

**SEC. 14. Expenses of survey, appraisement and advertising—how paid.** The expenses of the survey and the appraisement, the expenses of the secretary of state or the clerk of the state land office in making the trip into the county to select the commissioners to appraise the land, the expenses of advertising and re-advertising the sale of the land, and the expenses of re-appraising whenever such re-appraisement is deemed necessary, shall be certified by the secretary of state to the auditor of state, who shall draw his warrant for the amount, and the same shall be paid out of the general fund.

**SEC. 15. Lands in possession of person or corporation for ten or more years—how sold.** Provided, however, if any lands in the present or in any former channel of any navigable river, or island therein, or any lands formed by accretion or avulsion in consequence of the changes of the channel of any such river, have been for ten years or more in the possession of any person, company or corporation, or of his or its grantors or predecessors in interest under a bona fide claim of ownership, and the person, company or corporation so in possession, or his or its grantors or predecessors in interest, have paid state or county taxes upon said lands for a period of five years, and have in good faith and under bona fide claim of title, made valuable improvements thereon, and also in any other case where, in the judgment of the executive council, the person in possession of any land subject to the provisions of this act, has, in equity and good conscience, a substantial interest therein, then the said lands shall be sold to the person, company or corporation so in possession thereof as hereinafter provided.

**SEC. 16. Notice—action to determine title and value—patent.** When any person, company or corporation so in possession of any such lands shall give to the secretary of state written notice of his or its claim, or whenever the executive council shall deem it advisable, it shall be the duty of the attorney general to bring an action in equity, in the district court of the county in which said lands are situated, against the party in possession thereof to determine the title of the state to such lands, and the value thereof, exclusive of improvements made thereon by the occupant or by his or its grantors or predecessors in interest. If the person, company or corporation in possession of such land shall, after the court has determined the value thereof as herein provided, tender to the secretary of state the amount adjudged to be the value of said lands, exclusive of improvements made thereon by the occupant or by his or its grantors or predecessors in interest, a deed or patent of such land shall be executed by the governor, attested by the secretary of state, and delivered to the person, company or corporation making such tender, as provided by law. If the person, company or corporation so in possession shall fail to pay to the state the amount so adjudged within six months after the final determination of the action so brought by the state, then said lands shall be subject to the other provisions of this act.

**SEC. 17. Applications under former law—deposit money refunded.** All applications for the purchase of any such lands, filed under the provisions of chapter one hundred and eighty-five (185) of the acts of the Thirtieth General Assembly, shall, if the applicants so desire, stand as applications under this act, and such land shall, unless the same fall within the provisions of sections fifteen (15) and sixteen (16) hereof, be appraised and sold as herein provided. If the land described in any application is covered by the provisions of sections fifteen (15) and sixteen (16) of this act, and notice thereof is given to the secretary of state as provided in section sixteen (16) hereof, no deed or patent of such land, or any part thereof, shall be executed or issued until the title thereto shall have been established by the court as herein provided. If the party making such application, or his assignee, does not desire

to prosecute his application, or if he does not purchase the land under this act, then all of the money deposited by him with the secretary of state under the provisions of chapter one hundred and eighty-five (185) of the acts of the Thirtieth General Assembly, shall be repaid to said applicant by the secretary of state; and if any part of the money so deposited has been expended by the secretary of state, then the amount so expended shall be certified by the secretary of state to the auditor of state, who shall draw his warrant upon the general fund in favor of the person entitled thereto.

SEC. 18. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1906.

I hereby certify that the foregoing act was published in the Register and Leader, April 7, 1906, and the Des Moines Daily Capital, April 9, 1906.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 213.

### AGRICULTURAL EXPERIMENT STATION.

H. F. 421.

AN ACT to grant legislative assent to the more complete endowment and maintenance of the agricultural experiment station of the Iowa state college of agriculture and the mechanic arts.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Legislative assent to congressional grant.** That legislative assent be and is hereby given to the purpose of the grant authorized by the congressional act, approved March 16, 1906, and that in accordance with requirements thereof the state agrees to devote the moneys thus received to the more complete endowment and maintenance of the agricultural experiment station of the Iowa state college of agriculture and the mechanic arts as provided in said act of congress.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall be in force from and after the date of its publication in the Register & Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 9, A. D. 1906.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 11, 1906, and the Register and Leader, April 13, 1906.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 214.

### COLLECTION AND DISPOSAL OF SEWAGE AND CONSTRUCTION OF SEWERS OVER THE GROUNDS OF THE AGRICULTURAL COLLEGE.

H. F. 199.

AN ACT authorizing the governing board of the Iowa state college of agriculture and mechanic arts to contract with the city of Ames concerning the collection and disposal of sewage and the construction of sewers across the college grounds.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Collection and disposal of sewage.** That the governing board of the Iowa state college of agriculture & mechanic arts is hereby empowered to enter into such contracts with the city of Ames concerning